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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,627	04/02/2004	Kia Silverbrook	HYT002US	9659
24011	7590	06/15/2006	EXAMINER	
SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, NSW 2041 AUSTRALIA			TAYLOR, APRIL ALICIA	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/815,627

Applicant(s)

SILVERBROOK ET AL.

Examiner

April A. Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21, 24-67 and 69-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-21, 24-55 and 69-75 is/are allowed.
- 6) ☒ Claim(s) 56-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Receipt is acknowledged of the Amendment filed 01 May 2006. Claims 22, 23, and 68 have been canceled. Claims 1-21, 24-67, and 69-75 are pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 56-67 are rejected under 35 U.S.C. 102(b) as being anticipated by Bridgelall et al (US 6,330,973) (hereinafter Bridgelall).

Re claim 56: Bridgelall teaches an automated checkout comprising:

a conveyor;

at least one scanning device for:

directing at least one scanning beam a) in first and second orthogonal directions to thereby generate a raster scan pattern over a scanning patch provided in the sensing region; and b) along selected ones of a number of patch beam paths, each patch beam path extending into the sensing region at a respective angle;

sensing at least some of the coded data on the interface surface of a product item as the conveyor causes the product item to pass through the sensing region; and

generating, using at least some of the sensed coded data, product identity data indicative of the identity of the product item. (See col. 9 to col. 10; col. 14, line 35 to col.

16, line 59; and col. 18 to col. 19).

Re claim 57: Bridgelall teaches wherein the angle between respective patch beam paths can be a variety of different angles (see col. 10, line 40 to col. 11, line 63; col. 17, line 5+).

Re claim 58: Bridgelall teaches wherein the scanning device includes at least one housing, the patch beam paths extending from respective locations along the housing towards the sensing region (see col. 9 to col. 10; col. 14, line 35 to col. 16, line 59; and col. 18 to col. 19).

Re claim 59: Bridgelall teaches wherein the scanning device includes at least two housing arranged on opposite sides of the sensing region (see col. 9 to col. 10; col. 14, line 35 to col. 16, line 59; and col. 18 to col. 19).

Re claim 60: Bridgelall teaches wherein the housing is an elongate housing.

Re claim 61: Bridgelall teaches wherein the at least one elongated housing is formed from a column positioned adjacent the conveyor such that the scanning device senses at least some of the coded data as the conveyor causes the product item to

pass through the sensing region (see col. 9 to col. 10; col. 14, line 35 to col. 16, line 59; and col. 18 to col. 19).

Re claims 62 and 64: Bridgelall teaches wherein the automated checkout includes an alarm for activation in response to the detection of a scanning error, and wherein the alarm is an audible alarm signal (see col. 18, lines 31+).

Re claim 63: Bridgelall teaches wherein the scanning error includes at least sensing the presence of a plurality of product items in the sensing region (see col. 9 to col. 10; col. 14, line 35 to col. 16, line 59; col. 18 to col. 19).

Re claims 65 and 67: Bridgelall teaches wherein the automated check-out stores scan data indicative of the identity of the product item in memory; and wherein the memory is located in at least one of the automated check-out; and a computer system (see col. 9 to col. 10; col. 14, line 35 to col. 16, line 59; col. 18 to col. 19).

Re claim 66: Bridgelall teaches wherein the automated checkout further includes a communicator for communicating with a computer system at least one of the product identity data; and the scan data (see col. 9 to col. 10; col. 14, line 35 to col. 16, line 59; col. 18 to col. 19).

Allowable Subject Matter

4. Claims 1-21, 24-55, and 69-75 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, taken alone or in combination, fail to teach or fairly suggest, in conjunction with other limitations in the claims, wherein the coded data is indicative of a plurality of reference points; wherein each reference point corresponds to

a respective location on the interface surface; and wherein the processor generates position data representing the position of a sensed reference point on the interface surface.

Remarks

6. The previous rejection of claims 56-67 stands because the response filed 01 May 2006 does not include arguments regarding claims 56-67. Therefore, this action is made final.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to April A. Taylor whose telephone number is (571) 272-

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2403. The examiner can normally be reached on Monday - Friday from 9:00AM - 5:30PM.

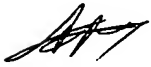
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [april.taylor@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



AAT
02 June 2006



THIEN M. LE
PRIMARY EXAMINER